

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

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In re:

ALISSA MASCIARELLA,

Debtor

Thomas J. Subranni, Trustee,

Plaintiff

v.

**Alissa Masciarella, Wayne
Masciarella and Anna P.
Masciarella,**

Defendants.

CHAPTER 7

CASE NO.: 16-28733-JNP

ADVERSARY NO.: 18-01595-JNP

**ANSWER OF ALISSA
MASCIARELLA AND WAYNE
MASCIARELLA TO COMPLAINT
TO AVOID UNAUTHORIZED POST-
PETITION TRANSFERS, ETC.**

Defendants, Alissa Masciarella and Wayne Masciarella, by way of Answer
to the Complaint, says:

JURISDICTION AND VENUE

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

BACKGROUND AND PARTIES

5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.

**DEBTOR'S CHAPTER 11 BANKRUPTCY
PETITION AND §341(A) MEETING OF CREDITORS**

10. Defendants lack information and belief sufficient to form a belief as to the truth of the allegations in paragraphs 10, 11, 12, 13, 14, 15, and 16 and demands that the plaintiff supply copies of all such documents mentioned.

**SCHEDULES FILED BY DEBTOR AFTER
THE CHAPTER 11 CASE CONVERTED TO CHAPTER 7**

17. Defendants lack information and belief sufficient to form a belief as to the truth of the allegations in paragraphs 17 and 18 and demand that plaintiff provide copies of all documents mentioned.

DEBTOR'S REIMBURSEMENTS TO HER FATHER FOR VEHICLE EXPENSES

19. Defendants have insufficient information within which to form a belief as to the allegations in paragraphs 19, 20, 21, 22, 23, 24 and 25, and demand that plaintiff produce all such documents mentioned. Defendant, Wayne Masciarella, denies receiving any payments from the debtor as claimed in this paragraph.

**DEBTOR'S REIMBURSEMENT TO HER FATHER
FOR RENT ADVANCE PAYMENTS FOR DEBTOR'S CONDOMINIUM**

26. Defendants hereby indicate that they have insufficient information in order to form a belief as to the allegations to paragraphs 26, 27, 28, 29 and 30 and demand that plaintiff provide copies of all such documents mentioned. Defendant, Wayne Masciarella, hereby denies any such payment.

**DEBTOR'S PAYMENTS FOR THE
AMERICAN EXPRESS CREDIT CARD ACCOUNT IN HER MOTHER'S NAME**

31. The allegations contained within paragraphs 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42 are not directed to these defendants and, therefore, they neither admit nor deny these allegations and plaintiff is left to its proof.

**COUNT ONE
AVOIDANCE AND RECOVERY OF UNAUTHORIZED
POST-PETITION TRANSFERS PURSUANT TO 11 U.S.C. §549**

43. Defendants hereby repeat and incorporates each of their responses to the preceding paragraphs as if set forth at length herein.

44. Denied.

45. Denied.

46. The allegation contained within this paragraph is not directed to these defendants and, therefore, is neither admitted nor denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

WHEREFORE, these defendants hereby demand dismissal of the Complaint against them together with attorney's fees and costs of suit.

COUNT TWO
TURNOVER OF ESTATE PROPERTY PURSUANT TO 11 U.S.C. §542

51. Defendants hereby repeat and incorporate each of the answers to the preceding allegations of the Complaint as if set forth at length herein.

52. Denied.

53. Denied.

WHEREFORE, defendants hereby demand dismissal of the Complaint against them together with attorney's fees and costs of suit.

COUNT THREE
RECOVERY OF AVOIDED TRANSFERS PURSUANT TO 11 U.S.C. §550 AND PRESERVING SUCH TRANSFERS FOR THE BENEFIT OF THE ESTATE PURSUANT TO 11 U.S.C. §551

54. Defendants hereby repeat and incorporate each of the answers to the preceding allegations of the Complaint as if set forth at length herein.

55. Denied.

56. Denied.

57. Denied.

58. Denied.

WHEREFORE, defendants hereby demand dismissal of the Complaint against them together with attorney's fees and costs of suit.

COUNT FOUR
DISALLOWANCE OF DEFENDANTS' CLAIMS PURSUANT TO 11 U.S.C. §502(D)

59. Defendants hereby repeat and incorporate each of the answers to the preceding allegations of the Complaint as if set forth at length herein.

60. Denied.

61. Denied.

62. Denied.

WHEREFORE, defendants hereby demand dismissal of the Complaint against them together with attorney's fees and costs of suit.

FIRST SEPARATE DEFENSE

This Complaint fails to state a cause of action against these defendants as proof and verification has not been provided by plaintiff.

SECOND SEPARATE DEFENSE

The allegations contained within this Complaint are frivolous as no verification of proof as to the allegations contained within this Complaint, and demand is made for the dismissal of these claims as being frivolous.

THIRD SEPARATE DEFENSE

These defendants reserve the right to assert additional defenses based upon further investigation and/or discovery.

DEMAND FOR DISCOVERY

Demand is hereby made that the plaintiff provide copies of each and every document that is referred to in this Complaint.

Defendants hereby demand that the plaintiff produce proof of each and every payment as alleged in this Complaint through canceled checks and bank statements.

DESIGNATION OF TRIAL COUNSEL

Edward M. Thompson, Esquire, of the law firm of Callaghan Thompson & Thompson, P.A., is hereby designated as trial counsel on behalf of the defendants, Wayne Masciarella and Alissa Masciarella.

Callaghan Thompson & Thompson, P.A.

Dated: April 24, 2019

BY /s/ Edward M. Thompson
Edward M. Thompson
Attorney for Defendant